

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 3/28/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROGER W. KIRBY, *individually, and as sole Trustee*; THE
AUGUSTUS R. A. KIRBY 2020 REVOCABLE
TRUST; *and* THE JANE A. KIRBY 2020 REVOCABLE:
TRUST,

Plaintiff(s),

-against-

DAVID W. ZALAZNICK, *an individual*; JOHN W.
“JAY” JORDAN II, *an individual*; JZ CAPITAL
PARTNERS LTD., JZCP REALTY FUND,
JORDAN/ZALAZNICK ADVISORS, INC., JZ 184-
204 BEDFORD LLC (*a/k/a* RS JZ BEDFORD-N6th
HOLDINGS, LLC); RED SKY JZ FULTON LLC
(*a/k/a* RED SKY JZ FULTON HOLDINGS, LLC);
RS JZ GREENPOINT LLC; JZ REIT
METROPOLITAN INVESTOR, LLC; *and* RS JZ
WYNWOOD HOLDINGS, LLC. *and* JOHN DOES I-
XXX,

Defendants.

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GREGORY H. WOODS, United States District Judge:

By letter dated March 28, 2022, the parties have informed the Court that this case has settled. Accordingly, it is hereby ORDERED that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal.¹ Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event that the settlement is not consummated. Upon such application


¹ As explained in Rule 4(E) of the Court’s Individual Rules of Practice in Civil Cases, the Court will not retain jurisdiction to enforce confidential settlement agreements. If the parties wish that the Court retain jurisdiction to enforce the agreement, the parties must place the terms of their settlement agreement on the public record.

for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar within such 30-day period.

The Clerk of Court is further directed to terminate all pending motions, adjourn all remaining dates, and to close this case.

SO ORDERED.

Dated: March 28, 2022
New York, New York



GREGORY D. WOODS
United States District Judge